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Briscoe, Kurt G. Norris McLaughlin & Marcus, PA 875 Third Avenue, 8th Floor New York, NY 10022			EXAMINER SHAH, SAMIR	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/573,244

**Applicant(s)**

MUSSIG, BERNHARD

**Examiner**

SAMIR SHAH

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 20060323

## **DETAILED ACTION**

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
2. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

3. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
4. Claims 1, 3-9, and 11-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/573,241. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of application 10/573,244 is generic to that of the scope of the claims of application 10/573,241.

<b><i>Current Appl. 10/573,244</i></b>	<b><i>Co-pending Appl. 10/573,241</i></b>
1. A carbon black-filled, age-resistant, polyolefin wrapping foil, comprising a carbon black having a pH of 6 to 8. 7. The wrapping foil of claim 1 wherein the fraction of carbon black is at least 5 phr.	1. An age-resistant, optionally halogen-free, polyolefin wrapping foil, comprising at least 4 phr of a primary antioxidant or at least 0.3 phr of a combination of primary and secondary antioxidants, the primary and secondary antioxidant function optionally being present in different molecules or to be united in one molecule. 12. The wrapping foil of claim 1, which comprises a fraction of carbon black of at least 5 phr, the carbon black optionally having a pH of 6 to 8.
3. The wrapping foil of claim 1, wherein the wrapping foil is halogen-free. 11. The wrapping foil of claim 1, which contains at least 4 phr of a primary antioxidant or at least 0.3 phr of a combination of primary and secondary antioxidants, it also being possible for the primary and secondary antioxidant function to be united in one molecule. 2. The wrapping foil of claim 1, wherein the amount of secondary antioxidant is at least 0.5 phr.	1. An age-resistant, optionally halogen-free, polyolefin wrapping foil, comprising at least 4 phr of a primary antioxidant or at least 0.3 phr of a combination of primary and secondary antioxidants, the primary and secondary antioxidant function optionally being present in different molecules or to be united in one molecule.

<p>5. The wrapping foil of claim 1, which has on one or both side a layer of adhesive, and optionally has a primer layer between film and adhesive layer, the amount of the adhesive layer being in each case 10 to 40 g/m.sup.2 and the adhesive exhibiting a bond strength to steel of 1.5 to 3 N/cm, an unwind force of 1.2 to 6.0 N/cm at 300 mm/min unwind speed, and/or a holding power of more than 150 min.</p>	<p>8. The wrapping foil of claim 1, which has on one or both sides a layer of adhesive, and optionally a primer layer between foil and adhesive layer, the amount of the adhesive layer being in each case 10 to 40 g/m.sup.2, and the adhesive exhibiting a bond strength to steel of 1.5 to 3 N/cm, an unwind force of 1.2 to 6.0 N/cm at 300 mm/min unwind speed, and/or a holding power of more than 150 min.</p>
<p>6. The wrapping foil of claim 1, which comprises a solvent-free pressure-sensitive adhesive which is produced by coextrusion, melt coating or dispersion coating, this adhesive being joined to a surface of the carrier foil by means of flame or corona pretreatment or of an adhesion promoter layer which is applied by coextrusion or coating.</p>	<p>9. The wrapping foil of claim 1, which comprises a solvent-free pressure-sensitive adhesive which is produced by coextrusion, melt coating or dispersion coating, this adhesive being joined to a surface of the carrier film by means of flame or corona pretreatment or of an adhesion promoter layer which is applied by coextrusion or coating.</p>
<p>8. The wrapping foil of claim 1, wherein the polyolefin contains propylene as monomer                      9. The wrapping foil of claim 1, which comprises polypropylene polymer and also ethylene-propylene copolymers from the classes of EPM and EPDM polymers.</p>	<p>6. The wrapping foil of claim 1, comprising a polypropylene copolymer and also ethylene-propylene copolymers from the classes of the EPM and EPDM.</p>
<p>12. The wrapping foil of claim 1, wherein the wrapping foil has a heat stability of at least 105.degree. C. after 2000 hours, has a breaking elongation of at least 100% after 20 days of storage at 136.degree. C., has a compatibility, when stored on a cable with a polyolefin insulation, of at least 105.degree. C. after 3000 hours, has a compatibility, when stored on a cable with a polyolefin insulation, of 125.degree. C. after 2000 hours, achieves 140.degree. C. after 168</p>	<p>7. The wrapping foil of claim 1, which has a thermal stability of at least 105.degree. C., and exhibits a breaking elongation of at least 100% after 20 days' storage at 136.degree. C., a compatibility, on storage on a cable with polyolefin insulation, of at least 105.degree. C. after 3000 hours, a compatibility, on storage on a cable with polyolefin insulation, of 125.degree. C. after 2000 hours, and/or a heat resistance of 170.degree. C. (30 min).</p>

hours and/or achieves a heat resistance of 170.degree. C. (30 minutes).	
13. The wrapping foil of claim 1, which comprises at least one polypropylene having a flexural modulus of less than 900 MPa, and/or a crystallite melting point of between 120.degree. C. and 166.degree. C.	10. The wrapping foil of claim 1, which comprises at least one polyolefin having a flexural modulus of less than 900 MPa, and/or a crystallite melting point of between 120.degree. C. and 166.degree. C.
4. The wrapping foil of claim 1, wherein the wrapping foil is flame-retarded. 14. The wrapping foil of claim 1, which comprises a flame-retardant filler is added at 70 to 200 phr.	11. The wrapping foil of claim 1, wherein a flame-retardant filler is added at 70 to 200 phr.

5. Prior to setting force the rejection it is noted that there is a significant overlap between present claims and co-pending claims.

6. Regarding claim 1 of the instant application, it is noted that the co-pending application's claim 12 is identical. While copending claims include specific antioxidants and the present claims only broadly disclose primary and second antioxidants, it would have been obvious to one of ordinary skill in the art that the specific antioxidants disclosed in the copending claims would fall within the broadly disclosed antioxidants of the present claims. Further, while the copending claims disclose the use of additional components, i.e. metal deactivator etc., in light of the open language of the present claims, i.e. comprising, it is clear the present claims are open to the inclusion of additional components including those disclosed in the copending claims.

7. Therefore, it is clear that one of ordinary skill would arrive at the present claims from the copending ones.

8. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 1, 3-9, and 11-14 are directed to an invention not patentably distinct from claims 1-12 of commonly assigned 10/573,241. Specifically, although the conflicting claims are not identical, they are not patentably distinct for the reasons set forth in paragraphs 5-6 above.

10. The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned 10/573,244, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

11. A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

***Specification***

12. The abstract contains only 24 words. Applicant is reminded of the proper language and format for an abstract of the disclosure.

13. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

14. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 112***

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 6, 9, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



17. Claim 6 recites the limitation "the carrier foil" in line 5. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 9 recites "classes and EPM" in line 3. It is not clear what classes does applicant point to? Also, it is not clear what "EPM" abbreviation stands for?
19. Claim 15 is missing some words in the beginning on the sentence. Correction is required.

***Claim Rejections - 35 USC § 102***

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. **Claims 1-4, 7-10, and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Akao (US 5262471).
22. Regarding claim 1, Akao discloses carbon black filled polyolefin light shielding film (e.g. wrapping foil) (abstract, column 1, line 14 and column 2, lines 19-23) wherein the film comprises carbon black having a pH of 8 (column 6, line 66). Given that Akao discloses same film compositions as presently claimed, as a result, it would inherently be age resistant.
23. While there is no disclosure that the polyolefin film is a wrapping film as presently claimed, applicants attention is drawn to MPEP 2111.02 which states that "if the body of

a claim fully and intrinsically sets forth all the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction". Further, MPEP 2111.02 states that statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the purpose or intended use results in a structural difference between the claimed invention and the prior art. Only if such structural difference exists, does the recitation serve to limit the claim. If the prior art structure is capable of performing the intended use, then it meets the claim.

24. It is the examiner's position that the preamble does not state any distinct definition of any of the claimed invention's limitations and further that the purpose or intended use, i.e. wrapping foil, recited in the present claims does not result in a structural difference between the presently claimed invention and the prior art polyolefin film and further that the prior art structure which is a polyolefin film identical to that set forth in the present claims is capable of performing the recited purpose or intended use.

25. Regarding claim 2, Akao discloses carbon black filled polyolefin light shielding film wherein it comprises lamp black or thermal black (column 3, lines 57-59).

26. Regarding claim 3, Akao discloses carbon black filled polyolefin light shielding film wherein Akao does not disclose any halogen compound to make the film therefore the film is halogen free film.

27. Regarding claim 4, Akao discloses carbon black filled polyolefin light shielding film wherein it comprises flame retardant (column 5, lines 49).

28. Regarding claim 7, Akao discloses carbon black filled polyolefin light shielding film wherein carbon black is at least 5 %, e.g. 5 phr (column 2, lines 22-23).

29. Regarding claim 8, Akao discloses carbon black filled polyolefin light shielding film wherein polyolefin contains propylene polymer (column 4, lines 39) which is made of propylene monomer.

30. Regarding claim 9, Akao discloses carbon black filled polyolefin light shielding film which comprises polypropylene polymer (column 4, line 39) and ethylene-propylene copolymers from EPM (column 4, lines 40-41) and EPDM (column 4, line 51) polymers.

31. Regarding claim 10, although Akao does not disclose the process steps of claim 10, it is noted that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process", *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) .

Further, "although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product", *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

32. Therefore, absent evidence of criticality regarding the presently claimed process and given that Akao meets the requirements of the claimed wrap foil, Akao clearly meets the requirements of the present claims.

33. Regarding claim 12, Akao discloses carbon black filled polyolefin light shielding film wherein it comprises the same compositions as presently claimed therefore it would inherently possess the same properties as presently claimed.

***Claim Rejections - 35 USC § 103***

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 5262471) in view of Kawaguchi et al. (US 5478639).

36. Regarding claim 5, Akao discloses carbon black filled polyolefin light shielding film but fails to disclose adhesive and its properties.

37. Kawaguchi discloses adhesive tape wherein the tape has an adhesive layer on one side (column 5, lines 17-18) and the amount of the adhesive layer is 30 to 300 g/m<sup>2</sup> (column 5, lines 34-39). Since, Kawaguchi discloses the same amount of the adhesive, it would intrinsically possess same adhesive properties as presently claimed.

38. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the amount of adhesive layer of Kawaguchi in the film of Akao to obtain effective adhesion.

39. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 5262471) in view of Momchilovich et al. (US 5840783).

40. Regarding claim 6, Akao discloses carbon black filled polyolefin light shielding film but fails to disclose solvent free pressure sensitive adhesive.

41. Momchilovich discloses solvent free pressure sensitive adhesive wherein it is coated on a olefinic surfaces (column 2, lines 50-52) without requiring any additional priming on the surfaces and the adhesive also increases in adhesion strength (column 2, lines 44-60).

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to use solvent free pressure sensitive adhesive of Momchilovich in the film of Akao without requiring any additional priming on the surfaces and the adhesive also increases in adhesion strength.

43. Although Akao in view of Momchilovich does not disclose coextrusion, melt coating or dispersion coating, it is noted that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product

was made by a different process", *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) . Further, "although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product", *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

44. Therefore, absent evidence of criticality regarding the presently claimed process and given that Akao in view of Momchilovich meets the requirements of the claimed solvent free pressure sensitive adhesive, Akao in view of Momchilovich clearly meets the requirements of the present claims.

45. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 5262471) in view of Nagano (US 4397916).

46. Regarding claim 11, Akao discloses carbon black filled polyolefin light shielding film wherein it comprises antioxidant to prevent knead of polyolefin resin at a high temperature (column 3, lines 17-18) but fails to disclose the amount of antioxidant.

47. Nagano discloses laminated multilayer film (title), e.g. wrapping foil, wherein layer (A) is made of polyolefin (column 2, lines 50-51) and it comprises 0.01 to 5 % of primary antioxidant (column 7, lines 13-14).

48. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the amount of antioxidant of Nagano in the film of Akao to prevent oxidation.

49. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 5262471) in view of Nakagawa et al. (US 20010031355 A1).

50. Regarding claim 13, Akao discloses carbon black filled polyolefin light shielding film wherein polypropylene is being used but fails to disclose polypropylene having dynamic storage modulus.

51. Nakagawa discloses polypropylene wherein it having dynamic storage modulus of less than 900 MPa (paragraph 0040).

52. Therefore, it would be obvious to control the dynamic storage modulus of Nagano to values including those presently claims in order to provide film that to suppresses thermal deformation (paragraph 0040).

53. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 5262471) in view of Nakagawa et al. (US 20010031355 A1).

54. Regarding claim 14, Akao discloses carbon black filled polyolefin light shielding film wherein it comprises flame retardant (column 5, lines 49-50) but fails to disclose the amount of it.

55. Nakagawa discloses adhesive tape substrate (title) wherein it comprises metal hydroxide (paragraph 0046) as a flame retardant in amount on 80-200 phr (paragraph 0051).

56. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the amount of flame retardants of Nakagawa in the film of Akao to prevent damage during open flame.

57. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Akao (US 5262471) in view of Ramsey et al. (US 4988236).

58. Regarding claim 15, Akao discloses carbon black filled polyolefin tape (column 6, lines 35-40) but fails to disclose use of the tape.

59. Ramsey discloses polymeric tape, e.g. wrapping foil, wherein it can be used on pipes to protect them from atmospheric corrosion (column 2, lines 7-22).

60. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the tape of Akao to protect pipes from atmospheric corrosion as taught by Ramsey.

### ***Conclusion***

61. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 0953599 discloses general idea of flame retarded foil but fails to teach pH of carbon black.

62. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMIR SHAH whose telephone number is (571)270-1143. The examiner can normally be reached on 8am to 5pm.

63. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571)272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



64. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.S./  
SAMIR SHAH  
Examiner, Art Unit 1794  
January 13, 2010

/Callie E. Shosho/  
Supervisory Patent Examiner, Art Unit 1794